

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
Joel Lawson, Associate Director Development Review  
**DATE:** November 10, 2015

**SUBJECT:** BZA Case 19055, 4409 Minnesota Avenue, N.E., Supplemental Report

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The Office of Planning (OP) **supports** the following area variances:

- § 401.3, Lot Area (2,500 square feet required, 1,596 square feet; 1,660 square feet; 1,787 square feet; and 1,915 square feet proposed);
- § 403.2, Lot Occupancy (40% maximum required, 42%; and 44% proposed); and
- § 404.1, Rear Yard (20 feet required, 9 feet; and 17 feet, 10 inches proposed).
- § 405.9, Side Yard (8 feet required, 5 feet; and 6 feet proposed).

OP **supports** the following special exception:

- §§ 401.3 and 2604.3, Lot Width (30 feet required, 25 feet proposed).

Since the public hearing that occurred July 28, 2015, the applicant has revised the proposed project in response to community comments. The most notable change consists of the removal of a dwelling from lot 31. In its place will be a 2,911 square foot playground that will be accessible to residents of the new subdivision, as well as to other neighbors in the community. The lot has been reduced from its original area of 2,500 square feet, which has resulted in a marginal increase in lot size for lots 8, 14, 20, 26, 30. The increase in lot size is due to a slightly larger side yard, which has also increased the lot width and reduced lot occupancy. The remaining lots, lots 1 through 7, 9 through 13, 15 through 19, 21 through 25, and 27 through 29, remain unchanged from the original submission.

Throughout the review process, OP has challenged the applicant to demonstrate a practical difficulty that justifies the significantly reduced lots, since it appeared that the degree of relief required for lot area was self-imposed. For this reason, OP encouraged the applicant to reduce the number of lots from 31 to 27, and to provide compliant side yards, which would add approximately 200 square feet to each lot. The amount of open space in this development was of primary concern, as the size of the proposed lots were significantly smaller than what is permitted in the R-2 District, thus potentially compromising the low density character of the neighborhood. Furthermore, the subdivision abuts CSX tracks, which makes open space more essential to the success of the development.

OP takes exception to the applicant's pre-hearing statement, which suggests that OP's analysis should be "disregarded," "is incorrect," or does not consider the intent of the Comprehensive Plan. The property is indeed zoned in conformance with the Comprehensive Plan, which is precisely why

it is necessary to address the extent of relief requested as it relates to lot area and density, and not just the housing type. Nor does the Comprehensive Plan enter into BZA requests for relief.

That being said, OP is pleased with the revisions that have been made to the plans and is now able to support the relief that has been requested, including lot area, lot width, side yard, rear yard, and lot occupancy.

- As indicated in OP's report dated July 21, 2015, rear yard relief is supported due to the insufficient depth of the lot.
- This report also expresses that while 25 foot wide lots are consistent with the pattern of development in this neighborhood, OP was unable to support the special exception relief because greater width was the only way to achieve larger lot area that was more consistent with properties in the neighborhood.
- The lot, prior to street dedication, is 70 feet deep, which automatically results in shallow lots amounting to 1,750 square feet for 25 foot wide lots, and 1,820 square feet for 26 foot wide lots.
- The right-of-way dedication for Minnesota Avenue would be 6 feet, 2 inches, which reduces a 25 foot wide lot to 1,596 square feet, and a 26 foot wide lot to 1,660 square feet, a loss of 154 square feet per lot.
- The proposed playground on the former lot 31 would be 2,911 square feet in area. When averaged between the proposed 30 lots, each lot gains an area of 97 square feet.
- Between the right-of-way dedication and the proposed playground, each lot would stand to gain 251 square feet, which exceeds the area that would be gained by increasing the noncompliant side yards from five feet to eight feet.
- The playground area creates a larger, more useable recreation space that would be accessible to the entire community, and would be more beneficial than incorporating this area into each lot.
- While most of the lots in the proposed subdivision continue to be substandard, there is a practical difficulty present related to the depth of the lots that make compliance with lot area, lot occupancy, and rear yard difficult.

While OP generally supports this development, there have been some changes to the plans that are not part of the requested relief that cause some hesitation. First, at the request of the ANC, the new development will be gated. OP is concerned about gating the development from a social perspective, but DDOT has also expressed concern regarding the impact of gates on site circulation. OP has requested, but not received, details concerning the gate. In addition, the applicant has requested streetlights, and DDOT will continue to work with the applicant through the Public Space Committee to ensure that they meet all DDOT metrics.

Additionally, the applicant has indicated that the park will be gated and only accessible by key provided by the Homeowner's Association or management company of the new development, also at the request of the ANC. Neighbors living within an unspecified radius of the site could request a key so that they may have access, but the details of the process are still in development. OP is again concerned with the social implications of locking open space and only making it available to a select few, particularly when new development has the potential to isolate existing residents of the area.